

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEJHAN SANDERS,

Plaintiff,

Case No. 23-cv-11413

Hon. Matthew F. Leitman

v.

JOHN PURDOM, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 20) AND (2) GRANTING IN PART
AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT (ECF No. 14)**

Plaintiff DeJhan Sanders is a state inmate in the custody of the Michigan Department of Corrections (the "MDOC"). In this action, Sanders alleges that the Defendants, several employees of the MDOC, violated his constitutional rights under the Eighth and Fourteenth Amendments. (*See* Compl., ECF No. 1.)

On February 6, 2024, Defendants all moved for summary judgment on two bases. (*See* Mot., ECF No. 14.) First, Defendants argued that some of Sanders' claims were barred by the doctrine of *res judicata*. (*See id.*) Second, Defendants argued that several other claims Sanders brought were not exhausted. (*See id.*)

The motion was referred to the assigned Magistrate Judge. On July 16, 2024, the Magistrate Judge issued a report and recommendation in which she

recommended that the Court grant the motion in part and deny the motion in part (the “R&R”). (*See* R&R, ECF No. 20.) More specifically, the Magistrate Judge recommended that:

- The Court dismiss Sanders’ claim in Count 1 against Defendants Ling, Martinez, and Purdom based on *res judicata*;
- The Court dismiss Sanders’ claim in Count 3 against Defendants Corby and Saunders based on a failure to exhaust administrative remedies;
- The Court dismiss Sanders’ claim in Count 4 against Defendant Webster based on a failure to exhaust administrative remedies;
- The Court dismiss Sanders’ claim in Count 5 against Defendant Droste based on a failure to exhaust administrative remedies; and
- The Court deny Defendants’ motion in all other respects.

As the Magistrate Judge explained, if the Court adopted that recommendation, this case would then “proceed against [Defendant] Purdom on [Count] 3, [Defendant] Saunders on [Count] 2, and [Defendant] Webster on [Count] 6. (*Id.*, PageID.189-190.)

At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.190-191.)

No party has filed an objection to the R&R. Nor has any party contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because no party has filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Defendants’ motion for summary judgment (ECF No. 14) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants’ motion for summary judgment (ECF No. 14) is **GRANTED IN PART AND DENIED IN PART**. Sanders’ claims against Defendants Ling, Martinez, and Purdom in Count 1, against Defendants Corby and Saunders in Count 3, against Defendant Webster in Count 4, and against Defendant Droste in Count 5 are **DISMISSED**.

The claims against Defendant Saunders in Count 2, Defendant Purdom in Count 3, and Defendant Webster in Count 6 remain live in this case.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 13, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 13, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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